ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of	)	MM Docket No. 93-89
AURIO A. MATOS	)	File No. BPH-911114MS
LLOYD SANTIAGO-SANTOS and LOURDES RODRIGUES-BONET	)	File No. BPH-911115MP
For Construction Permit for a New FM Station on Channel 293A in Culebra, Puerto Rico	)	

To: The Review Board

PETITION FOR LEAVE TO AMEND

Aurio A. Matos ("Matos"), by his counsel and pursuant to § 73.3522(b) of the Commission's Rules, respectfully petitions for leave to amend the engineering and legal portions of his application. In a letter he received on or about December 21, 1993, Matos was advised that the U.S. Fish and Wildlife Service ("FWS") had reached a preliminary determination to deny his request to locate his antenna on FWS property. Despite the fat there is already a tower and operating FM station and cellular antenna on the property, Matos has decided to amend to a new site rather than pursue the matter further with FWS. In support of his amendment, Matos states as follows: [1/]

I. Background

1. In his initial application Matos proposed to use the existing tower of FM Station WSAN to locate his antenna. See

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[1/] An original and two copies of the proposed Amendment is being filed with the Commission contemporaneously under separate cover. For convenience, a copy of the amendment is attached to the instant pleading as Exhibit 1.

Application of Aurio Matos, BPH-911114MS, FCC Form 301 (the "Matos Application"), Section V-B, p. 14. On June 22, 1993, competing applicant Lloyd Santiago-Santos and Lourdes Rodrigues-Bonet ("Santiago and Rodrigues") filed a Petition to Enlarge Issues against Matos (the "Petition") alleging, among other things, that Matos did not possess reasonable assurance of an available site. Specifically, the petitioners alleged that the WSAN-FM tower where Matos planned to locate his antenna was actually on U.S. Fish and Wildlife Service ("FWS") property. Petition at ¶ 14. Petitioners obtained and produced a copy of a Special Use Permit that was issued to the WSAN licensee, Carlos J. Colon-Ventura, permitting Colon-Ventura to locate the WSAN tower on FWS property. Petition Ex. 4.

2. Receipt of the Petition was the first time Matos became aware of the fact the tower was on FWS property. Matos' opposition to the Petition argued that Petitioners had failed to meet its burden of establishing that permission to locate another antenna on the existing tower would not be forthcoming from the U.S. Fish and Wildlife Service. Opposition to Petition to Enlarge filed July 9, 1993, at ¶¶ 31-38. By Order of the Presiding Judge, FCC 93M-508, released August 6, 1993, the Petition was denied.

3. The Presiding Judge granted the application of Matos in Initial Decision, FCC 93D-20, released November 4, 1993 (the "ID"). The Judge cited Matos' superior coverage proposal and more extensive past broadcast experience. In reliance upon the ID, Matos submitted an application for a Special Use Permit ("SUP") to

the FWS granting permission to locate his antenna on the WSAN tower on December 9, 1993. Matos Declaration, attached as Exhibit 2, at ¶ 3. By letter dated December 13, 1993, the Boqueron, Puerto Rico office of the FWS issued a letter preliminarily denying Matos' request (the "FWS Letter"). Id. Although the FWS Letter can be appealed, Matos has elected instead to amend his application to specify a new site. The new site proposes to serve 10,290 persons more than the original application in 118 square kilometers less than in the original application. [2/]

II. The Amendment Satisfies the Requirements of § 73.3522 of the Rules

4. Post-designation amendments will be considered only upon a showing of "good cause." 47 C.F.R. § 73.3522(b). For post-designation engineering amendments, the applicant must also demonstrate

> (i) that the amendment is necessitated by events which the applicant could not reasonably have foreseen (e.g., notification of a new foreign station or loss of transmitter site by condemnation); and (ii) that the amendment does not require an enlargement of issues or the addition of new parties to the proceeding."

Id. To satisfy these criteria, an applicant must demonstrate:

> that it has acted with due diligence, that the amendment was not required by its voluntary act, that no additional issues or parties would be required, that the hearing process will not be disrupted, that there will be no prejudice to competing applicants, and that the applicant will not gain a comparative advantage.

California Broadcasting Corp., 90 FCC 2d 800, 51 RR 2d 1539 (1982)

[2/] See Amendment to Application of Aurio A. Matos, attached as Exhibit A, FCC Form 301, p. 21.

at ¶ 17, citing, Erwin O'Connor Broadcasting Co., 22 FCC 2d 140, 143, 18 RR 2d 820 (Rev. Bd. 1970).

A. The Need for the Amendment Was Not Foreseeable and Matos Has Acted With Due Diligence

5. Matos' application stated that he had obtained reasonable assurance of the availability of his site from Colon-Ventura, licensee of WSAN. Matos Application, Section VII, p. 24. Colon-Ventura never mentioned to Matos that his tower was located on FWS property. Matos was unaware that the land Colon-Ventura was using for the WSAN tower was subject to an SUP from the FWS until the Petition was filed. Ex. 2, ¶ 2.

6. After a careful review of the SUP, Matos was advised by counsel that the terms of the permit might allow him to co-locate with Colon-Ventura on the tower without FWS consent. As argued in the opposition to the Petition, though the SUP prohibits Colon-Ventura from subletting the property that is subject to the permit, it also declares that the tower is his personal property. Petition Ex. 4, Appendix A, ¶ 1(c). Colon-Ventura was leasing only his personal property to Matos, so a reasonable argument could have been made that the FWS had no jurisdiction to prohibit or exercise any control over such a private transaction. [3/] Matos received his copy of the FWS Letter on or about December 21, 1993. Ex. 2, ¶ 3. He then had conversations with his counsel and engineering consultants. Ex. 2, ¶ 4. Although there were ways to appeal the

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[3/] The SUP prohibits the permittee from subletting the FWS property subject to the permit. Matos proposed to locate on the WSAN tower so, under Matos interpretation, Colon-Ventura was not subletting FWS property, but merely leasing personal property.

FWS Letter, including advancing the arguments raised in Matos' opposition to the Petition, Matos, with the counsel of his attorney and engineers, concluded that the fastest, easiest way to move the hearing process along was to look for a new site which offered a similar coverage area and service to relatively the same number of people. Ex. 2, ¶ 4; Declaration of Clifton G. Moor, attached as Exhibit 4, ¶ 3. He located a possible site and had initial conversations with the site owner, Jose R. Perez-Villamil ("Perez-Villamil") on or about December 28, 1993. Ex. 2, ¶ 5; Declaration of Jose R. Perez-Villamil, attached as Exhibit 3, ¶ 2. Matos told Perez-Villamil he wanted to locate a transmitter and tower for a new FM station on Perez-Villamil's property. After Perez-Villamil gave his initial approval, Matos scheduled a meeting with him for January 3, 1994. Id. The two met and agreed that a lease was the best way to accomplish the goals of both parties. Perez-Villamil agreed to send a letter to the FCC indicating that he would make his site available to Matos. Ex. 2, ¶ 5. On that same day, Matos faxed a map indicating the coordinates of the site to his engineers to begin preparation of the engineering exhibit. Ex. 2, ¶ 5; Ex. 4, ¶ 2. The engineering exhibit was completed and shipped to Matos' attorney on January 11, 1994. Ex. 4, ¶ 4. [4/] Given that

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[4/] The time between receipt of the engineering and filing of the instant petition for leave to amend has resulted from counsel's absence from his office for the week of January 10 to January 14, 1994. Upon his return on January 18, 1994, the parties were engaging in settlement discussions and counsel did his best to balance the competing interests in this proceeding and to catch up on other essential client matters that developed in his absence. The process was further complicated by the Mass Media Bureau's Motion to reopen the Record and Enlarge Issues Against Matos (the

there is already a tower and operating FM station at the site Matos proposed, FWS's response to Matos' December 9, 1993 letter was not foreseeable. Once he received the FWS Letter, Matos acted with diligence in deciding to, and then procuring a new site.

B. Acceptance of the Amendment Will Not Require the Addition of Any Issues

7. Acceptance of the amendment will not require reexamination of any of the decisional factors in this case. Matos prevailed because of his superior coverage proposal. The proposed amendment will serve a greater population than Matos' original site. Although it will serve less area than the original site, the area to be served at the amended site will be substantially greater than the area proposed to be served by Santiago and Rodrigues. [5/] Matos does not foresee the addition of any other additional issues. [6/]

C. Acceptance of the Amendment Will Not Disrupt the Hearing Process and Will Not Prejudice the Competing Applicant

8. The competing applicants will not be prejudiced by grant of the Petition and acceptance of the proffered amendment. All parties of record have been aware since at the very latest January 20, 1993, of the circumstances surrounding Matos' site. Only the

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"MMB Petition") filed on January 28, 1994. Matos' opposition to that petition is being filed today, as well.

[5/] Matos will seek no comparative upgrade from the amendment, despite the larger population served, and will accept the lesser area served at the new site as his total coverage area for comparative purposes.

[6/] The MMB Petition alleged that Matos violated Section 1.65 of the Commission's Rules and questioned whether he has reasonable assurance of an available site. The facts set forth in the instant Petition and its Exhibits are germane to the allegations raised in the MMB Petition.

Mass Media Bureau has raised any question concerning Matos' site availability and resolution of the MMB Petition must occur whether or not the instant petition for leave is granted. [7/] Further, Matos and applicant Santiago and Rodrigues have reached a settlement agreement in principle. [8/] Grant of the Petition and acceptance of Matos' proposed amendment will greatly improve the likelihood of the settlement going forward as presently contemplated by the parties.

III. Acceptance of Matos' Amendment is Supported by Commission Precedent

9. Matos' actions in this proceeding are not unlike those of applicant Kwaitkowski in Radio Lake Geneva Corporation, 7 FCC Rcd 5586, 71 RR 2d 758 (Rev. Bd. 1992). There, Kwaitkowski initially elected to "fight" an intermediate "determination of hazard" of the Federal Aviation Administration ("FAA") but eventually "switched" when the intermediate determination became final. Kwaitkowski's post-designation engineering amendment was accepted because it was filed within 30 days of the date the FAA's issuance of a formal Determination of Hazard.

10. Matos elected to "switch rather than fight" upon issuance of a preliminary letter from FWS indicating that it would not give

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[7/] The MMB Petition questions whether or not Matos breached his duty to inform the Commission of the "loss" of his transmitter site. The question that must be resolved in considering the instant petition is whether Matos has exercised due diligence (and thus exhibited "good cause") in procuring a new site after changed circumstances caused him to make a decision to pursue a new site rather than fight for permission to use his original site.

[8/] See Letter of January 19, 1994, filed with the Commission by applicants counsel requesting suspension of procedural dates.

Matos permission to locate his antenna on the existing tower. [9/] As the Review Board stated in Lake Geneva foreseeability is a key aspect in determining an applicant's diligence

> [t]he crucial period for consideration in determining due diligence dates not from the time the application is filed...but from the time the applicant is, or should have been apprised of the problem requiring amendment.

Id. at ¶ 12, citing, Brownfield Broadcasting Corp., 88 FCC 2d 1054, 1058, 50 RR 2d 1259 (1982). It took Matos from about December 21, 1993, when he received the FWS Letter until January 12, 1994 to decide to "switch rather than fight", locate a new site, commission the engineering, review it and have it shipped to his counsel for filing. Showings of lesser diligence have resulted in the acceptance of post-designation amendments. See, Mableton Broadcasting Co., Inc., 5 FCC Rcd 6314, 6320-21, 68 RR 2d 750 (Rev. Bd. 1990)(good cause for post-designation engineering amendment existed where applicant took three months to amend to a new site.); Ithaca TV Associates, 101 FCC 2d 709, 58 RR 2d 1068 (Rev. Bd. 1985).

IV. Conclusion

11. Matos has demonstrated "good cause" for acceptance of his post-designation engineering amendment. When he received the FWS Letter he was placed on notice that there might be a problem with the site. Electing to "switch" rather than "fight" Matos promptly secured a new site and commissioned new engineering within less than 30 days of his receipt of the FWS Letter. The decision to

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[9/] This choice is an applicant's privilege so long as the chosen option is diligently pursued. Lake Geneva at ¶ 14.

"switch", rather than engage in a potentially protracted "fight" with FWS, was made to speed the comparative hearing so that service to Culebra can commence more quickly. Acceptance of the proffered amendment will not result in the designation of any additional hearing issues, will not prejudice the other parties and will not disrupt the hearing process.

WHEREFORE, it is respectfully requested that the Review Board grant Matos' Petition for Leave to Amend, accept the proffered amendment, and grant any such further relief as might be appropriate in the premises.

Respectfully submitted,
AURIO A. MATOS

Scott C. Cinnamon
His Attorney

BROWN, NIETERT & KAUFMAN
1920 N Street, N.W.
Suite 660
Washington, D.C. 20036
(202) 887-0600

February 7, 1994

EXHIBIT 1

Section V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____

Name of Applicant

Aurio Matos Barreto

Call letters *(if issued)*	Is this application being filed in response to a window? ☐ Yes ☒ No
New	If Yes, specify closing date: _____

Purpose of Application: *(check appropriate boxes)* Amend BPH-911114 MS

- ☐ Construct a new (main) facility
- ☐ Construct a new auxiliary facility
- ☐ Modify existing construction permit for main facility
- ☐ Modify existing construction permit for auxiliary facility
- ☐ Modify licensed main facility
- ☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- ☒ Antenna supporting-structure height
- ☐ Effective radiated power
- ☒ Antenna height above average terrain
- ☐ Frequency
- ☒ Antenna location
- ☐ Class
- ☐ Main Studio location
- ☐ Other *(Summarize briefly)*

File Number(s) Amends BPH-911114 MS

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
293	Culebra	Culebra	PR

Class *(check only one box below)*

☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. 1.25 miles, 322.4° from City of Culebra, Culebra County, Puerto Rico.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	°	'	"	Longitude	°	'	"
	18	19	10		65	18	48

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both. n/a

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

n/a

4. Does the application propose to correct previous site coordinates? ☐ Yes ☒ No
If Yes, list old coordinates.

Latitude ° ' "	Longitude ° ' "

5. Has the FAA been notified of the proposed construction? ☒ Yes ☐ No
If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Exhibit No. 1

Date 1/10/94 Office where filed San Juan

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	Culebra		
(b)			

7. (a) Elevation: *(to the nearest meter)*

(1) of site above mean sea level: 145 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 64 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 209 meters

(b) Height of radiation center: *(to the nearest meter)* H = Horizontal; V = Vertical

(1) above ground 58 meters (H)

58 meters (V)

(2) above mean sea level [(aX1) + (bX1)] 203 meters (H)

203 meters (V)

(3) above average terrain 200 meters (H)

200 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator. Exhibit No. 2

9. Effective Radiated Power:
(a) ERP in the horizontal plane
6 kw (H*) 6 kw (V*)

(b) Is beam tilt proposed? ☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field. Exhibit No. n/a

kw (H*) kw (V*)

*Polarization

10. Is a directional antenna proposed? ☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field. Exhibit No. n/a

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)? ☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 8.16 mV/m service. Exhibit No. n/a

12. Will the main studio be within the protected 8.16 mV/m field strength contour of this proposal? ☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No. n/a

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207? ☒ Yes ☐ No

See Exhibit #3

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply? ☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers. Exhibit No. n/a

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose. Exhibit No. n/a

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following: Exhibit No. n/a

(1) Protected and interfering contours, in all directions (360), for the proposed operation.
(2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
(4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
(5) The official title(s) of the map(s) used in the exhibits(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference? ☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)* Exhibit No. 4

blanketing calculatio
is exhibit #4A

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings and must bear a scale of distance in kilometers.

Exhibit No. 5

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. 6

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 3.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 4728.2 Sq Km total area sq. km. Population 69,132

329 Sq Km land area

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. n/a

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: NGDC)

☐ Other *(briefly summarize)*

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
* 142	199.8	22.9	38.8
0 **			
45 **			
90	190.7	22.4	38.1
135	201.5	23.0	38.9
180	203.0	23.0	39.1
225	202.5	23.0	39.0
270	203.0	23.0	39.1
315 *	197.4	22.74	38.62

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT. *Radial shortened by Atlantic Ocean per 73.313 (d)(4)(iii)
**Total Radial over Atlantic Ocean and excluded per 73.313 (d)(4)(ii)

20. Environmental Statement *(See 47 C.F.R. Section 1.1301 et seq.)*

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311. Exhibit No.

If No, explain briefly why not. Categorically Excluded. RFR Calculation Exhibit #7

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name *(Typed or Printed)*	Relationship to Applicant *(e.g., Consulting Engineer)*
Clifton G. Moor Bromo Communications	Technical Consultant
Signature	Address *(Include ZIP Code)*
	P.O. Box 21760 St. Simons Island, GA 31522
Date January 10, 1994	Telephone No. *(Incl. Area Code)* (912) 638-5608

AMENDMENT OF BPH-911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
January 1994

TECHNICAL STATEMENT

This exhibit was prepared for Aurio Matos Barreto, applicant for channel 293 A at Culebra, Puerto Rico. This instant application seeks to amend BPH-911114MS. Due to reasons beyond the applicant's control it has become necessary to file an amendment to a new site for new service on channel 293 A. Because new tower construction is required, the Federal Aviation Administration is being notified of this construction.

Regarding the terrain radials two radials, 0 and 45 degrees are omitted because they are totally over the Atlantic Ocean and are excluded per paragraph 73.313 (d)(4)(ii). Radial 315 is partially over land and only that area over land is considered with the Atlantic Ocean area being excluded per 73.313 (d)(4)(iii).

The proposed site of north latitude 18 degrees 19 minutes 10 seconds and west longitude 65 degrees 18 minutes and 48 seconds meets all spacing standards. Exhibit #3 indicates that compliance.

The proposed site is plotted on the Culebra and Adjacent Islands, Puerto Rico topographic map. The section of that map where the site is found is Exhibit #5. Because the site is on an internal portion of the map it was difficult to get

the latitude and longitude references from the side of top of the map in exhibit #5. Therefore Exhibit #5B is a photo reduced map and Exhibit #5A is the complete map and accompanies the original application only.

DO NOT REMOVE CARBONS

Form Approved OMB No. 2120-0001

US Department of Transportation
Federal Aviation Administration

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

Aeronautical Study Number

1. Nature of Proposal

A. Type	B. Class	C. Work Schedule Dates
☒ New Construction	☒ Permanent	Beginning FCC Approval
☐ Alteration	☐ Temporary (Duration _____ months)	End 12 mo.

2. Complete Description of Structure

A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure

B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports

C. Include information showing site orientation, dimensions and construction materials of the proposed structure

FM Antenna Tower
6 KW ERP
106.5 mHz
4-Bay Antenna

(If more space is required, continue on a separate sheet.)

3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code)

(912) 638-5608
Area Code Telephone Number

TO
Mr. Aurio Matos Barreto
P. O. Box 847
Mayaguez, PR 00709

B. Name, address and telephone number of proponent's representative if different than 3 above.

Clifton G. Moor (912) 638-5608
Bromo Communications, Inc.
P. O. Box 21760
St. Simons Island, GA 31522

4. Location of Structure

A. Coordinates (To nearest second)	B. Nearest City, Town and State	C. Name of nearest airport, heliport, flightpark, or seaplane base
	Culebra, PR	Culebra
Latitude 18° 19' 10"	(1) Distance to 4B: 1.25 Miles	(1) Distance from structure to nearest point of nearest runway: 1 Mile
Longitude 65° 18' 48"	(2) Direction to 4B: 142 Degrees	(2) Direction from structure to airport: Southeast

5. Height and Elevation (Complete to the nearest foot)

A. Elevation of site above mean sea level	475.7
B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated	209.3
C. Overall height above mean sea level (A + B)	685.0

D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (If more space is required, continue on a separate sheet of paper and attach to this notice.)

On hilltop 1.25 miles at 322.4° from Culebra, Culebra County, Puerto Rico. Topographic map is attached

Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than $500 for the first offense and not more than $2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).

I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.

Date	Typed Name/Title of Person Filing Notice	Signature
1/10/94	Clifton G. Moor - Consultant	Clifton G. Moor

FOR FAA USE ONLY *FAA will either return this form or issue a separate acknowledgement.*

The Proposal:

☐ Does not require a notice to FAA.

☐ Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, and would not be a hazard to air navigation.

☐ Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation.

☐ Should be obstruction ☐ MARKED, ☐ lighted per FAA Advisory Circular 70/7460-1, Chapter(s) _____

☐ Obstruction marking and lighting are not necessary.

Remarks:

Supplemental Notice of Construction FAA Form 7460-2 is required any time the project is abandoned, or

☐ At least 48 hours before the start of construction.

☐ Within five days after the construction reaches its greatest height.

This determination expires on

(a) extended, revised or ter
(b) the construction is subj
an application for a con
such case the determi
struction, or on the date

NOTE: Request for extension o
the issuing office at least

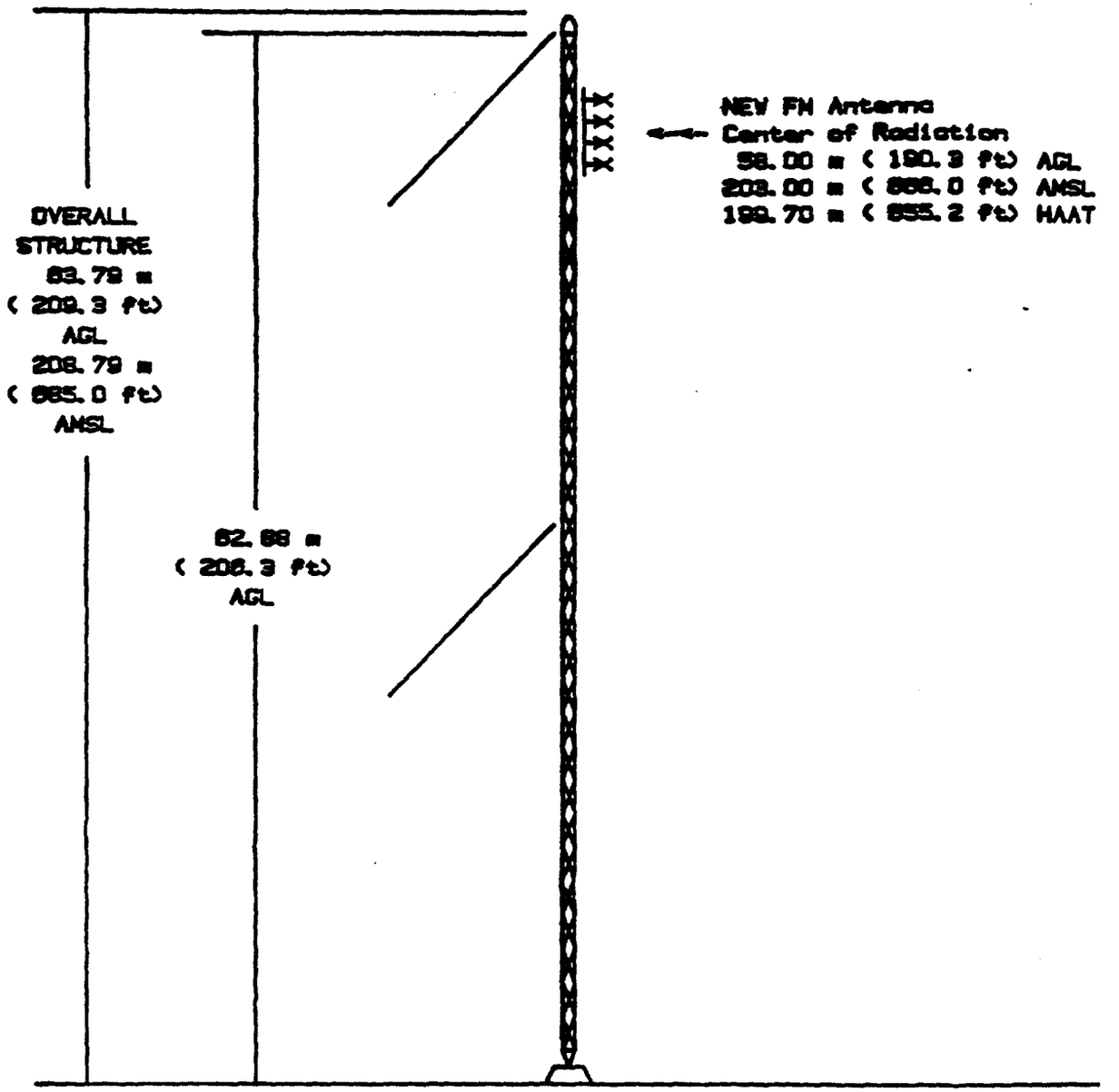
If the structure is subject to th
that Agency.

EXHIBIT #1
AMEND BPH911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
JANUARY 1994

Issued In	Signature

FAA Form 7460-1 (6-85)

DO NOT REMOVE CARBONS



VERTICAL PLAN SKETCH

SITE ELEVATION - 145 m (476 ft) AMSL

TOP OF STRUCTURE - 64 m (209 ft) AGL
209 m (685 ft) AMSL

FM Antenna COR - 58 m (190 ft) AGL
209 m (686 ft) AMSL
200 m (655 ft) HAAT

FIGURES ROUNDED TO NEAREST METER (FOOT).

EXHIBIT #2

AMEND BPH911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
JANUARY 1994

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D.C.

Aurio Matos Barreto
Searching at Amended Site

REFERENCE
18 19 10 N
65 18 48 W

CLASS A
Current rules spacings
CHANNEL 293 -106.5 MHz

DISPLAY DATES
DATA 10-28-93
SEARCH 01-09-94

	CALL / TYPE	CH# / LAT / LNG	CITY	STATE / PWR	BEAR / HT	D-KM / D-Mi	R-KM / R-Mi	MARGIN (KM)
	AP293	293A	Culebra	PR	54.8	1.55	115.0	-113.45 *
	AP CN	18 19 39 65 18 05		6.000 kW	202M	1.0	71.5	
		Aurio A. Matos				BPH911114MS		920414
	ALOPEN	293A	Culebra	PR	142.4	2.02	115.0	-112.98 *
	AL N	18 18 18 65 18 06		0.000 kW	0M	1.3	71.5	
		89-495	WO= 911016					911115
	>Effective 10-14-91							
	AP293	293A	Culebra	PR	147.3	2.12	115.0	-112.88 *
	AP CN	18 18 12 65 18 09		6.000 kW	25M	1.3	71.5	
		Lloyd Santiago-Santos & Lourd				BPH911115MP		920414
*	AD291	291B	Vieques	PR	54.8	1.55	69.0	-67.45 *
	AD	18 19 39 65 18 05		0.000 kW	0M	1.0	42.9	
		V.I. Stereo Communications				RM7942		
	WNIKFM	293B1	Arecibo	PR	276.5	150.44	143.0	7.44
	LI HN	18 28 28 66 43 40		19.500 kW	-82M	93.5	88.9	
		Kelly Broadcasting System Cor				BLH2953		
	WVIS	291B	Christiansted	VI	141.4	80.98	69.0	11.98
	LI CN	17 44 51 64 50 11		9.000 kW	272M	50.3	42.9	
		V. I. Stereo Communications C				BLH870114KB		
	DE291	291B	Christiansted	VI	141.4	80.98	69.0	11.98
	DE	17 44 51 64 50 11		0.000 kW	0M	50.3	42.9	
		V.I. Stereo Communications						
	WVIS.C	291B	Christiansted	VI	141.4	80.98	69.0	11.98
	CP CN	17 44 51 64 50 11		50.000 kW	288M	50.3	42.9	
		V. I. Stereo Communications C				BPH910627JF		

ALLOCATION STUDY

* A GRANT IN THIS PROCEEDING IS CONTINGENT ON THE OUTCOME OF MM DOCKET 91-259

EXHIBIT #3

AMEND BPH911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
JANUARY 1994

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia — Washington, D C

Culebra PR

LATITUDE 18 19'10" LONGITUDE 65 18'48"

AM STATIONS WITHIN 5 KM

FREQ	KM	MI	BEARING	LAT / LONG	STATUS CL	PWR	FIELD	CALL CC ST CITY
NONE								

FM STATIONS WITHIN 10 KM

CHANNEL	KM	MI	BEARING	LAT / LONG	STATUS	PWR	CALL	ST	CITY
293B	1.15	0.71	43.5	18-19-37	65-18-21	AP	30.00	AP293	PR	Culebra
284A	2.02	1.26	143.5	18-18-18	65-18- 5	AD	0.00	AD284	PR	Culebra
255B	1.85	0.96	54.5	18-19-33	65-18- 3	DE	0.00	DE255	PR	Vieques
255B	1.85	0.96	54.5	18-19-39	65-18- 5	LC	50.00	WSAN	PR	Vieques
291B	1.85	0.96	54.5	18-19-39	65-18- 5	AD	0.00	AD291	PR	Vieques
293A	1.85	0.96	54.5	18-19-39	65-18- 5	AP	6.00	AP293	PR	Culebra
293A	2.12	1.32	147.4	18-18-12	65-18- 9	AP	6.00	AP293	PR	Culebra
293A	2.02	1.26	143.5	18-18-18	65-18- 6	DE	0.00	DE293	PR	Culebra
293A	2.02	1.26	143.5	18-18-18	65-18- 6	DE	0.00	DE293	PR	Culebra
293A	2.02	1.26	143.5	18-18-18	65-18- 6	AL	0.00	ALL2C	PR	Culebra

TV STATIONS WITHIN 10 KM

CHANNEL	KM	MI	BEARING	LAT / LONG	STATUS	PWR	CALL	ST	CITY
22-	1.85	0.97	57.7	18-19-37	65-18- 3	CP	41.200	W22BS	PR	CULEBRA

No interference is expected from this proposed construction. If in the event there is unexpected interference, Aurio Matos Barreto will use good engineering practices to the Commission's satisfaction.

NEARBY STATIONS

EXHIBIT #4
AMEND BPH911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
JANUARY 1994

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D.C.

BROMO COMMUNICATIONS, INC.

Broadcast Technical Consultants

FM BLANKETING CONTOUR CALCULATION

The blanketing contour of New FM is determined using the following formula as defined in §73.318 of the Commission's Rules:

D= 0.394 * SQR(P)

where D= distance to blanketing contour in km
P= ERP in kW of the station

The ERP of New FM is 6 kW yeilding a blanketing contour 0.97 km from the tower.

While there may be some sparsely populated area within the blanketing contour, it is the experience of this firm that very little, if any blanketing interference will be evidenced by the grant of this proposal. New FM will follow the guidelines of §73.318 and good engineering practice to address blanketing complaints to the Commission's satisfaction.

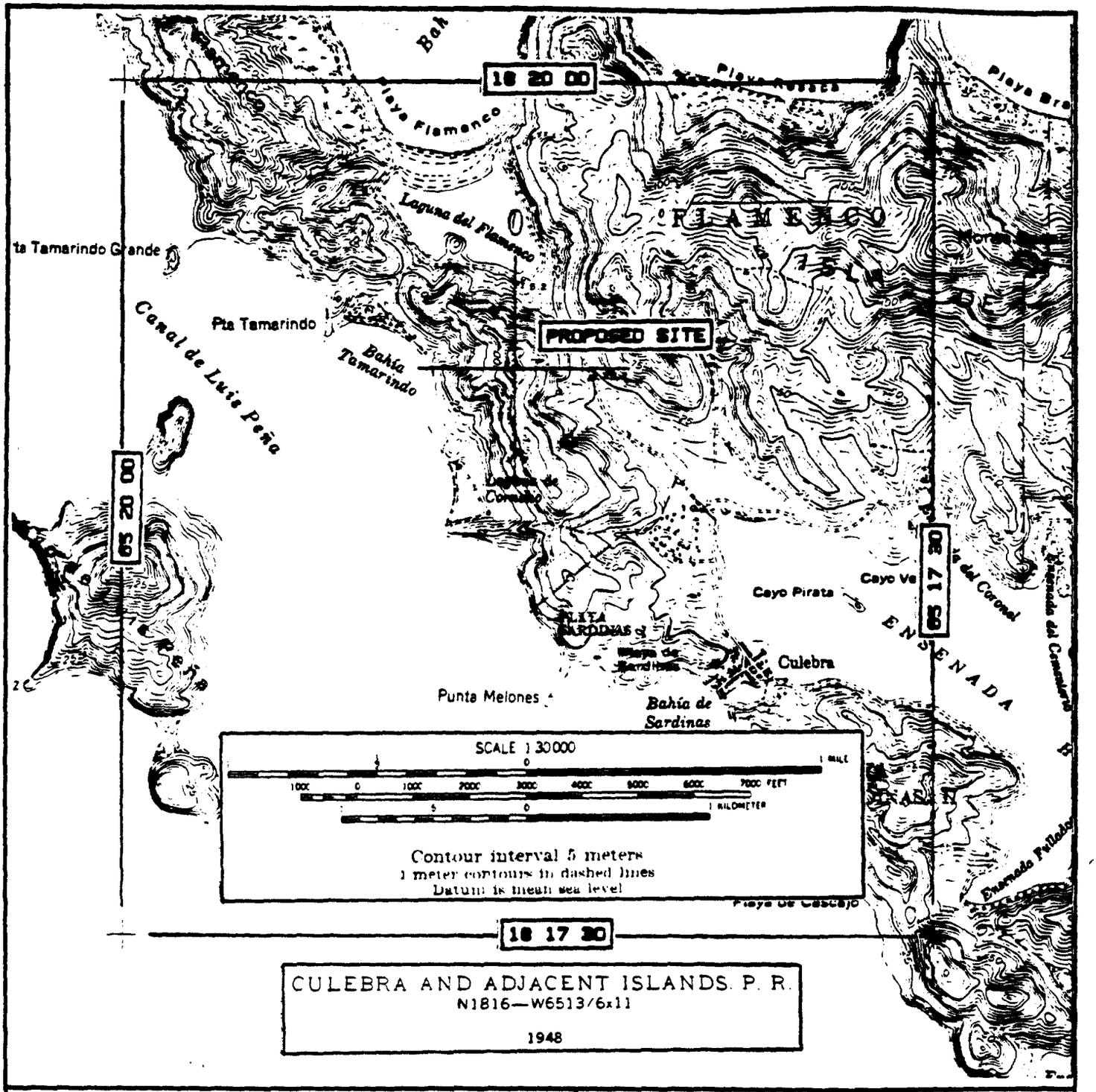
BLANKETING CALCULATION

EXHIBIT #4A

AMEND BPH911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO

JANUARY 1994

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D C



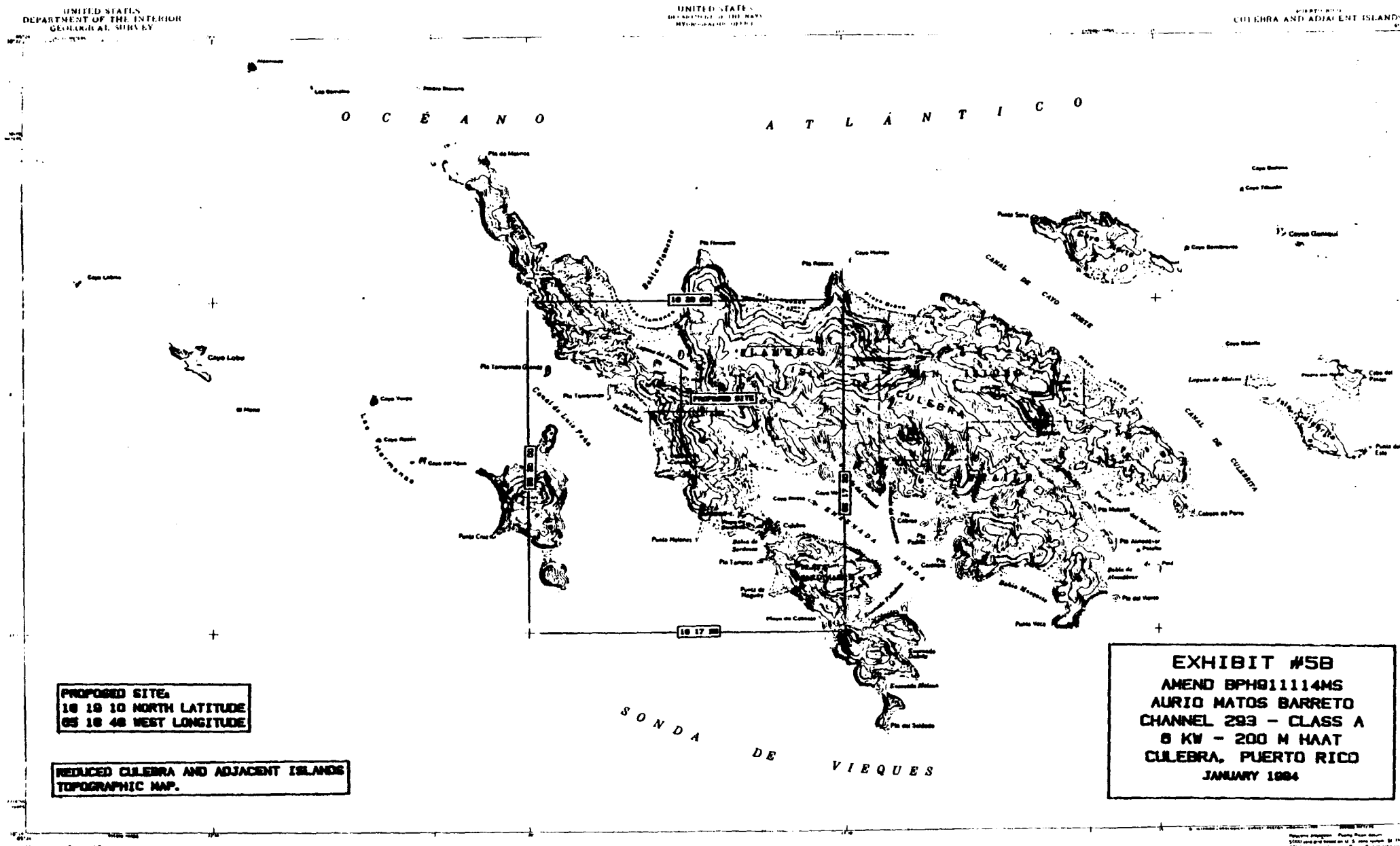
SITE DETAIL

THE COMPLETE CULEBRA 1:20,000 TOPOGRAPHIC MAP IS ATTACHED TO THE ORIGINAL APPLICATION AS EXHIBIT #5A.
PROPOSED SITE:
18 19 10 NORTH LATITUDE
65 18 48 WEST LONGITUDE

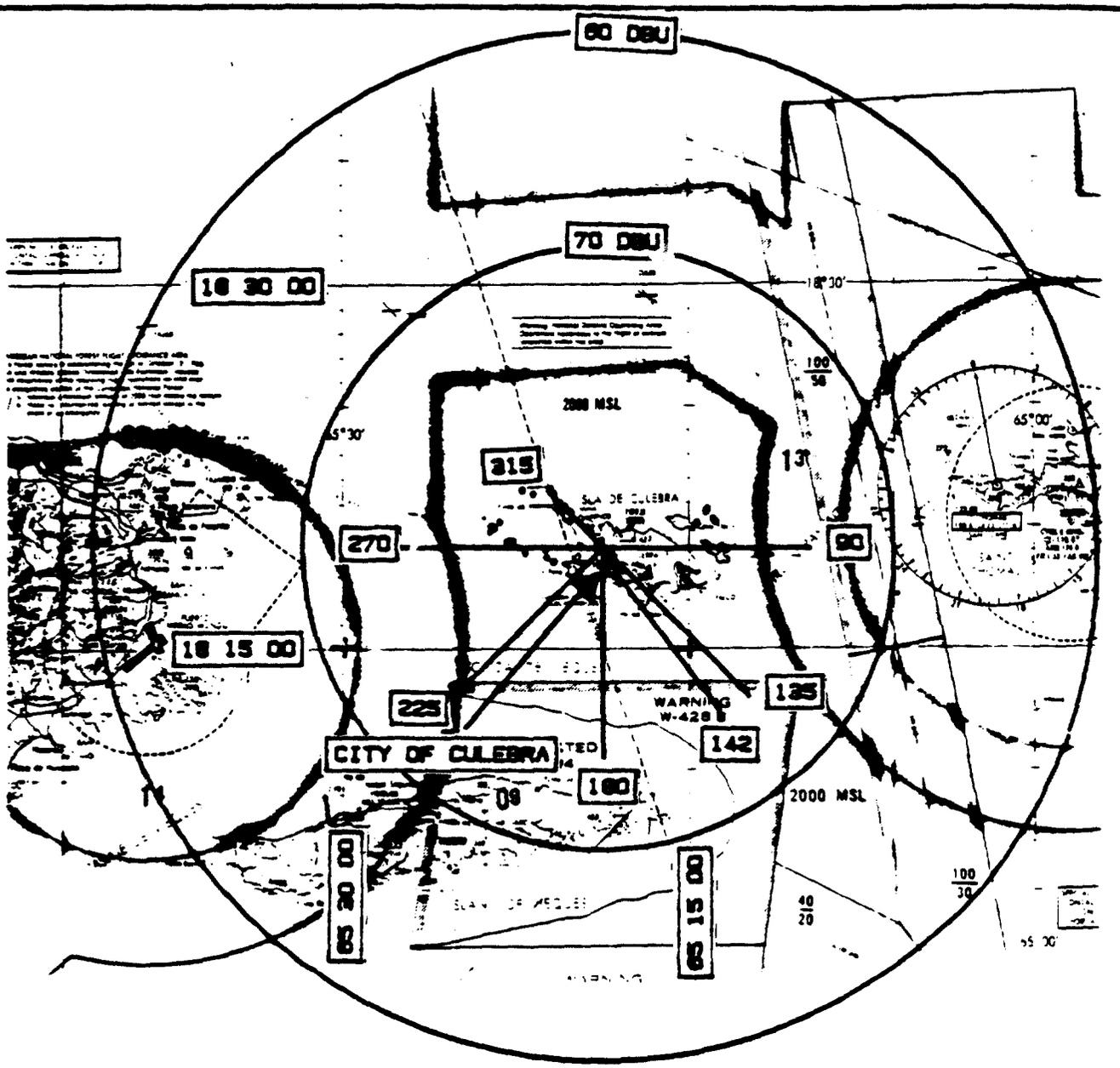
EXHIBIT #5

AMEND BPH911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
JANUARY 1994

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia — Washington D C



FOR SALE BY U S GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092
AND DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, SAN JUAN, P R 00910
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



PROPOSED CONTOURS

PROPOSED SITE:
18 19 10 NORTH LATITUDE
65 18 48 WEST LONGITUDE

MAP IS TERMINAL AERONAUTICAL CHART OF PUERTO RICO AND U.S. VIRGIN ISLANDS (REDUCED).

EXHIBIT #6

AMEND BPH911114MS
AURIO MATOS BARRETO
CHANNEL 293 - CLASS A
6 KW - 200 M HAAT
CULEBRA, PUERTO RICO
JANUARY 1994

BROMO COMMUNICATIONS
BROADCAST TECHNICAL CONSULTANTS
St Simons Island, Georgia — Washington, D.C.